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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CHRISTIAN LOUBOUTIN S.A.; CHRISTIAN
LOUBOUTIN, L.L.C.; and CHRISTIAN
LOUBOUTIN,

Plaintiffs/Counterclaim-Defendants,

v.

YVES SAINT LAURENT AMERICA, INC.;
YVES SAINT LAURENT AMERICA
HOLDING, INC.; YVES SAINT LAURENT
S.A.S.; YVES SAINT LAURENT (an
unincorporated association); JOHN AND JANE
DOES A-Z (UNIDENTIFIED); and XYZ
COMPANIES 1-10 (UNIDENTIFIED),

Defendants/Counterclaim-Plaintiffs.

X

Civil Action No.: 11 Civ. 2381 (VM)

ECF Case

**PLAINTIFFS/COUNTERCLAIM-
DEFENDANTS' NOTICE OF
MOTION TO DISMISS
DEFENDANTS/COUNTERCLAIM-
PLAINTIFFS' SECOND
COUNTERCLAIM**

X

PLEASE TAKE NOTICE that upon the supporting Memorandum of Law filed herewith,
Defendant's/Counterclaim-Plaintiff's Answer and Counterclaims, a copy of which is attached as
Exhibit A to the Memorandum of Law, and all prior pleadings herein, Plaintiffs/Counterclaim-

Defendants Christian Louboutin S.A., Christian Louboutin, L.L.C., and Christian Louboutin (collectively, "Louboutin"), by and through their attorneys, McCarter & English, LLP, will move this Court, at Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, on such date and time specified by the Court, for an Order dismissing the Second Counterclaim in Defendants/Counterclaim-Plaintiffs' Answer and Counterclaims, for Cancellation of Marks under §§ 15 U.S.C. 1119, 1064(3) [Fraud on the USPTO], pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief may be granted, and for such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that in accordance with the Court's Individual Practices, counsel for Louboutin contacted Defendants/Counterclaim-Plaintiffs by telephone and by letter dated May 24, 2011 requesting that Defendants/Counterclaim-Plaintiffs withdraw the Second Counterclaim for Fraud on the USPTO. Defendants/Counterclaim-Plaintiffs have failed to withdraw or agree to amend the Second Counterclaim in response to this request.

PLEASE TAKE NOTICE that, opposition papers, if any, must be served in accordance with Local Rule 6.1(b).

Dated: June 10, 2011

McCARTER & ENGLISH, LLP

By: /s/Lee Carl Bromberg
Harley I. Lewin
Lee Carl Bromberg

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